Date: January 14, 2004 Planning Commission



MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: New Business	Report Prepared by: Troy Fujimoto
Public Hearing: Yes:	No:X
Notices Mailed On: N/A	Published On: N/A Posted On: N/A
TITLE:	"S" ZONE APPROVAL AMENDMENT (SA2003-165)
Proposal:	Removal of 457 young, diseased trees to be replaced with 368 new trees for a net loss of 89 trees on-site.
Location:	400-940 McCarthy Boulevard
APN:	022-29-034 & 035
RECOMMENDATION:	Approval with Conditions
Applicant:	Steve Graziano, LCM, 1035 Minnesota Drive, San Jose, CA 95125
Property Owner:	Irvine Community Development Group, 550 Newport Center Drive, Unit 6, Newport Beach, CA 92660
Previous Action(s):	"S" Zone Approval, Environmental Approval, GPA, and Rezone
General Plan Designation:	Industrial Park
Present Zoning:	Industrial Park with an "S" Zone Overlay (MP-S)
Existing Land Use:	Research and Development Campus
Agenda Sent To:	Applicant/Owner (same as above)
Attachments:	Plans Letter from applicant dated December 9, 2003

BACKGROUND

In 1999, the one million square foot McCarthy Center, was approved for development. As part of the McCarthy Center approval was an overall landscape plan for the site. When the project was constructed a landscape plan was created that reflected the history of the site. Design guidelines created for McCarthy Ranch area stressed the importance of landscaping patterns that imitated the traditional farm or agrarian landscape. Thus, the applicant proposed rows of trees that would imitate an orchard.

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Site and Area Description

The project site is located at the northwest corner of the City. It is located immediately north of McCarthy Ranch shopping center and bordered by Interstate 880 to the east, North McCarthy Boulevard to the west and Dixon Landing Road further to the north. The parcels comprise approximately 68 acres. The site is developed with 19 buildings that are not fully occupied.

THE APPLICATION

Pursuant to Milpitas Municipal Code Section 10-42 ("S" Zone Combining District), the applicant is requesting an "S" Zone Approval amendment for the removal of 457 young, immature trees from the 68 acre site and to replace them with 368 trees, for a net loss of 89 trees.

PROJECT DESCRIPTION

As part of the original landscape plan approval was the inclusion of over 2,500 trees that were to be incorporated into the site. Portions of the site were planted in long rows that imitated the previous orchards. Eucalyptus trees were originally the tree of choice that would make up some of the rows. However, two years that have passed since the planting of the trees, it has been discovered that the trees are being attacked by insect species that are slowly killing the eucalyptus trees. The insects are eating away at the tree and making it prone to diseases that if left as is, would surely kill all the eucalyptus trees on the site.

Because of this unfortunate event, the applicant is requesting to replace the trees and change the species so that the same event does not repeat itself. The applicant is proposing to replace the eucalyptus with three species, *tristiana conferta*, *tristiana lauriana* (both Myrtaceae's) and *fraxinus uhdei* (Ash).

Site Layout

The trees that are proposed to be replaced currently are planted in a west to east direction and are in six (6) rows spaced throughout the site. The trees line the east-west walkways that cut through the site.

Landscaping

When the landscaping plan was first created, the landscape architect admitted that the site was planted with trees to the point of saturation. The site would not be able to accommodate more trees without jeopardizing the health of the existing and new trees. Thus, it was agreed because of this and because the trees were still young, staff would only be looking to replace the trees on a one to one ratio.

As part of the revised landscaping plan the applicant will have a net loss of 89 trees throughout the site. The main reason why there will be a net reduction of trees is because the new tree species grow wider and need a larger area to grow and mature naturally than the eucalyptus trees. Rather than crowding all of the trees in the same area and causing competition between trees for space, air, and light, the applicant is locating the trees with proper spacing so that the trees will not have to compete with each other to survive, constant trimming will not be needed. This approach will allow the trees to grow and mature in a natural state, thus, resulting in a more grand and natural appearance.



To offset the net loss of trees, staff directed the applicant to look throughout the 68 acres and to try and fit in the balance of lost trees elsewhere on the site. As a result, the applicant was able to find locations to plant 34 additional trees (fraxinus uhdei) throughout the site, which summed to a net loss of 89 trees.

ISSUES

Conformance with the Zoning Ordinance and General Plan

The proposed tree removal is consistent with the S-Zone Combining District. The intent of the district is to promote orderly, attractive and harmonious development, while recognizing limitations. In this case the removal of the dying trees and replacing with a less susceptible specie type will ensure that the site's landscaping matures as originally intended. In addition, staff is confident that the new tree specie will actually improve the appearance of the site.

The proposed tree removal does not conflict with any General Plan Policies, and is consistent with Guiding Principle 2.a-G-5, which encourages a park like setting throughout all living areas, the replacement of the dying trees will ensure that the greenery and landscaping at the site will be maintained and be allowed to mature naturally. In addition, replacing the dying trees will foster community pride through the beautification of existing development (Implementing Policy 2.a-I-10).

Landscaping

While the applicant has made a concerted effort to replace trees throughout the site, after review of the plans by staff it was noted that there were locations throughout the site where additional trees could be located. After further discussions with the applicant, it was mutually agreed that there would be room to replace all the trees. The end result is that there would no longer be a net loss of trees on the site.

To ensure that all opportunities to minimize the net loss of trees is accomplished, *staff recommends* that the applicant locate trees in additional areas on-site, including, but not limited to, the southern end of Building 19, the western end of Building 5 and the south end of the site (adjacent to Ranch Road). In addition, *staff recommends* the landscape plan incorporate additional trees on the site which will result in a net loss of zero (0) trees.

Neighborhood/Community Impact

As conditioned, the proposed changes to the on-site landscaping are not anticipated to create a negative community impact. The proposed changes, over the long run, will improve the landscaping at the site. Therefore, staff believes that the project as conditioned, will not negatively impact the surrounding neighborhood.

RECOMMENDATION

Approve S-Zone Approval Amendment (SA2003-165) based on the Findings and Special Conditions of Approval listed below:

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FINDINGS

- 1. This project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 of the State CEQA Guidelines ("Existing Facilities", maintenance of existing landscaping).
- 2. The proposed project complies with the City's Zoning Ordinance in terms of the intent of the "S"-Zone combining district of maintaining attractive developments.
- 3. The project is consistent with the Milpitas General Plan in that it will promote a park-like setting and will foster community pride by improving the landscaping.
- 4. As conditioned, the proposed use will not be detrimental or injurious to the public health, safety, and general welfare to adjacent future tenants or the surrounding community.

SPECIAL CONDITIONS

- 1. This approval is for the removal of 457 diseased trees to be replaced with 457 trees, all in accordance with the plans approved on January 14, 2004, and as revised herein by the conditions of approval. Any modification to the project as proposed will require an "S" Zone Approval Amendment by the Planning Commission. Minor modifications can be submitted to the Planning Division for review and approval by the Planning Commission Subcommittee. (P)
- 2. This use shall be conducted in compliance with all appropriate local, state and federal laws and regulations, and in conformance with the approved plans. (P)
- 3. The applicant shall revise the landscaping plan to the approval of the Planning Division by locating trees in additional areas on-site, including, but not limited to, the southern end of Building 19, the western end of Building 5 and the south end of the site (adjacent to Ranch Road). The end result shall be a net loss of zero (0) trees on site. (P)
- (P) = Planning Division



December 9, 2002

Mr. Troy Fujimoto City of Milpitas, Planning Department 455 E. Calaveras Blvd. Milpitas Ca. 95035

Re: Landscape Renovation at McCarthy Center

Dear Mr. Fujimoto,

At the request of the City of Milpitas, SWA is formally submitting a revised site plan, landscape construction documents, illustrative plans, sections, and images for your review and comment.

The McCarthy Center is a business park comprised of 19 building on a 68-acre site within the McCarthy Ranch project. The project construction was completed in 2001. Conceived as a "Flex/Tech" Business Park, the buildings are provided with parking, an integral pedestrian circulation system, outdoor function spaces and extensive landscaping. The landscape design reflects the agrarian influence of the area and closely follows the larger, McCarthy Ranch Design Guidelines. Specifically, rows of mature olive trees line the main drive and parking lots, giving vehicular orientation, while large windrows with pedestrian walkways bisect the building clusters giving prominence and orientation to the pedestrians.

The windrow plantings are Eucalyptus maculata, a species selected for its durability, heartiness, and large but slender growth habit. Unfortunately this species of eucalyptus has fallen subject to a parasite (Red Lerp) that devastates the foliage and leaves behind a sticky residue that adheres to walks, benches, and passers by. This is a highly unsuitable condition for the main pedestrian spines. The owners of the property have elected to replace the infected trees. The replacement tree selection is quite limited given the challenges of the site soil, wind, and narrow spaces between the buildings. This is compounded by the desire to stick to the original agrarian ideal of the design guidelines. The infected trees are contained within the landowner's property; no trees in public lands are affected.

William Callaway John Wang R Joseph Runco Gerdo P Aquino Scott Cooper Nancy L Fleming Tom Fox Loreen Hjort Roy Imamura John S Loomis Larry Pearson Elizabeth Shreeve Wendy Simon David Berkson René Bihan John E Cutler Robert Jacob Richard Law James Lee Ken Lee James Majoney Charles S McDaniel Sean O'Malley Ilm Peterson Kevin Shanley Monica Simpson Scott Slaney David Thompson

Consulting Principals

Kalvin Platt P Michael Gilbert

Corazon Unana

Edmond Kagi

Gary Karner Douglas S Way

Sausalito Laguna Beach Houston Dallas San Francisco

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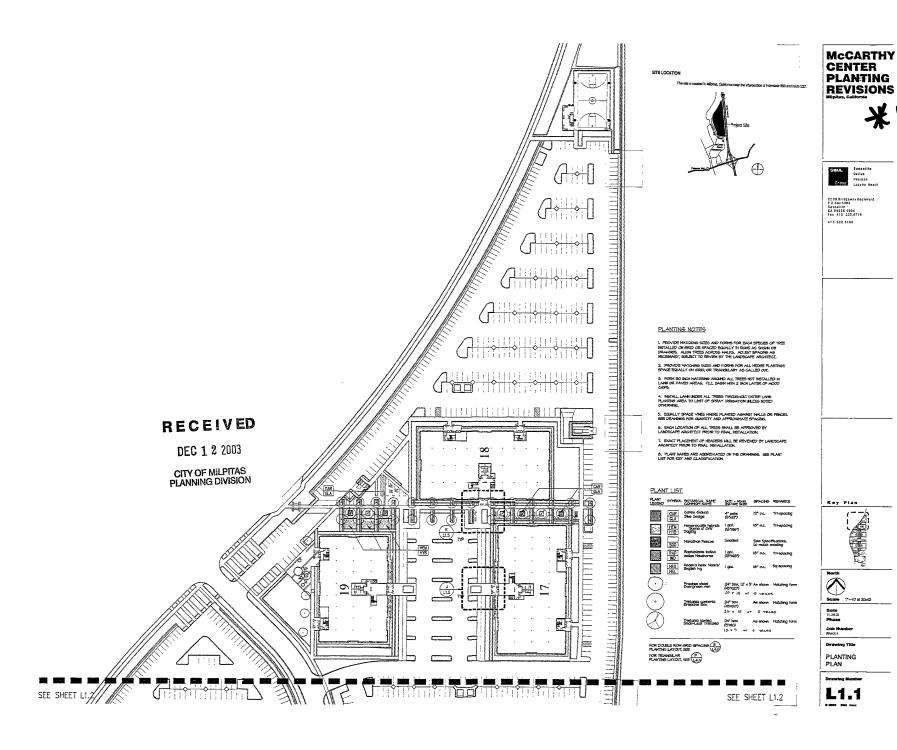
The selected substitution is Tristaina conferta, a tree with a proven track record in the Milpitas area. The Tristania grows slightly wider than the eucalyptus species, thus the same spacing would be impracticable. Alternately, additional elm trees have been added to the west sides of the buildings to add to the views from McCarthy Drive into the site. Also, the planting pattern was slightly modified at the building entrances to allow for a more open and welcoming aspect to arrival.

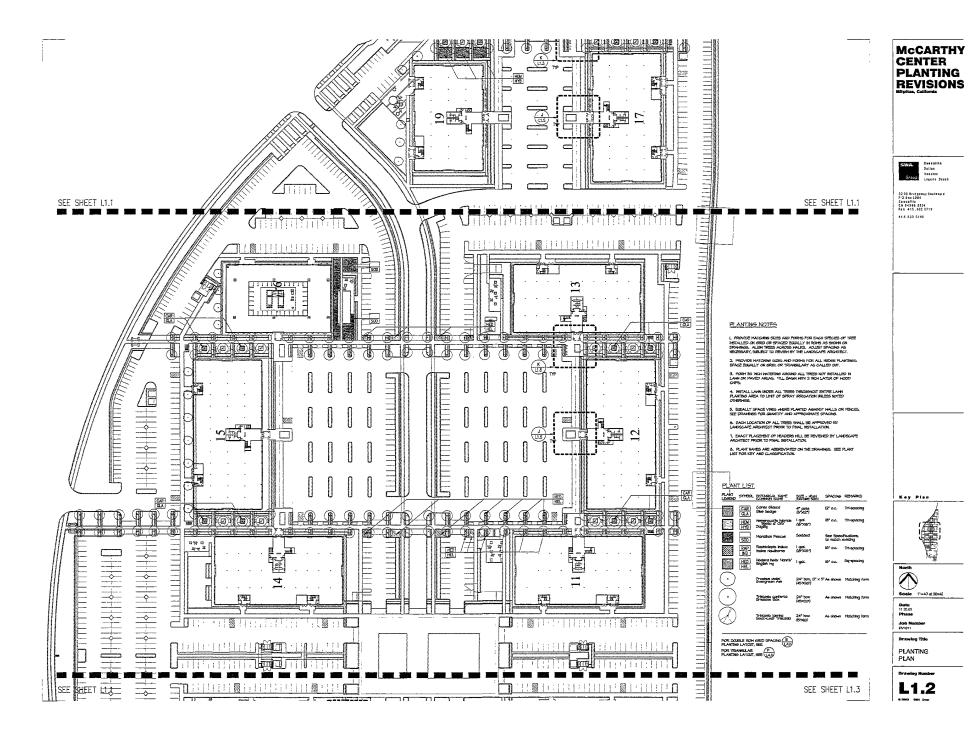
In conclusion, as unfortunate as we are to have a plant species devastated by an invasive parasite we are quite fortunate to have a landowner willing to commit to a complete replacement of the plant type. The substituted plant's form is slightly different than the original, yet the design style will remain intact. The overall tree count on the site will only vary by 5 %, leaving the original design intact and assuring that the character of the project remains consistent with the goals stated in the Design Guidelines.

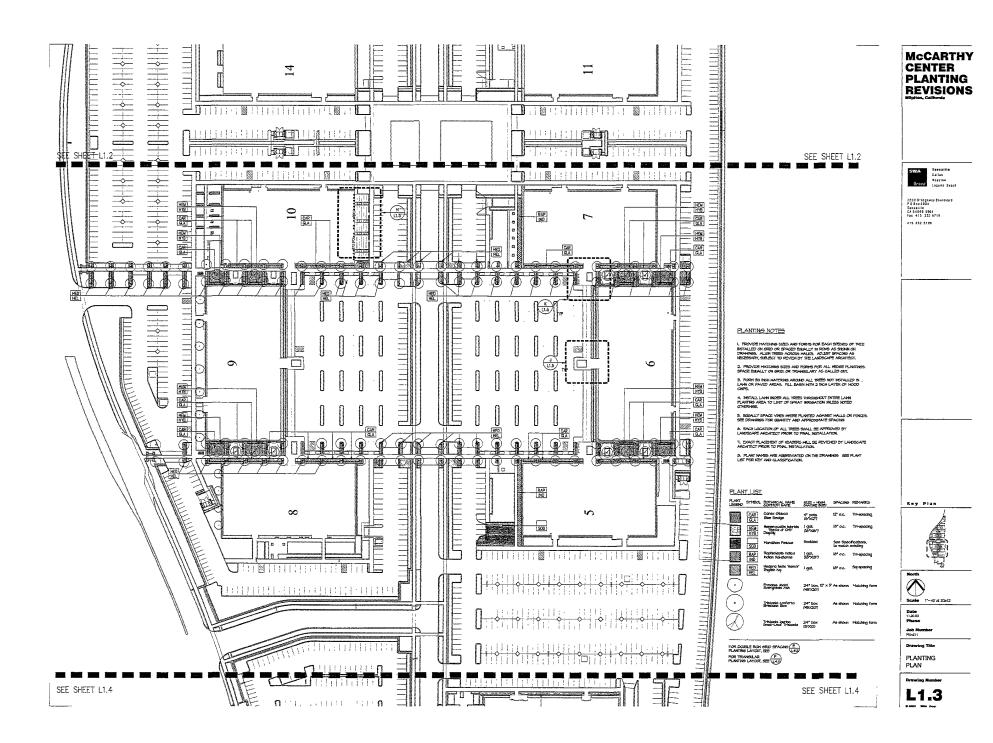
If I can be of any further assistance in clarifying the issues of this project, please do not hesitate to contact me.

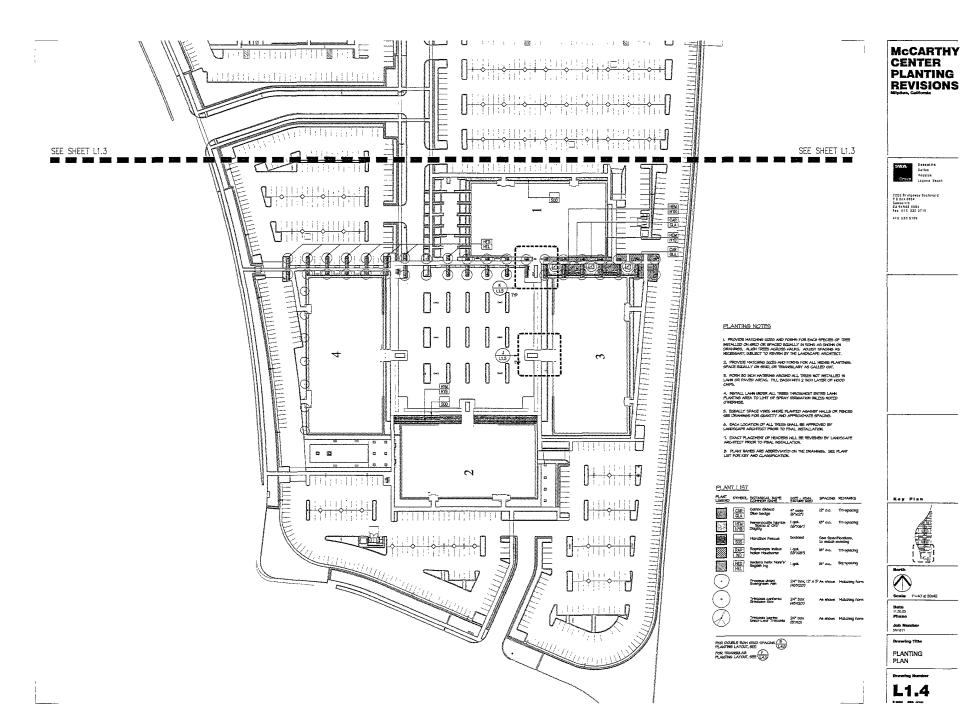
Respectfully

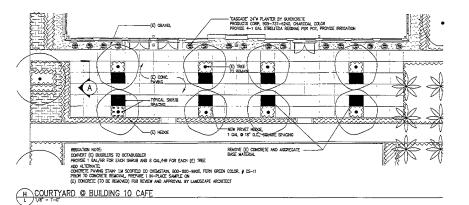
Rene' Bihan

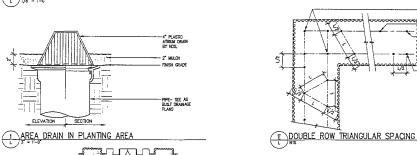


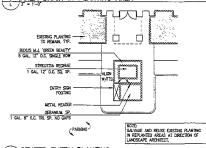


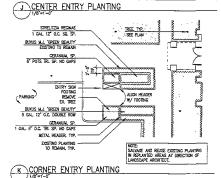


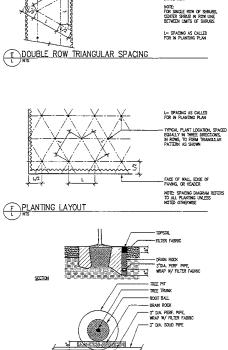










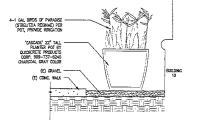


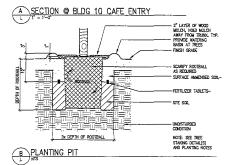
G PERFORATED DRAIN PIPE/TRENCH

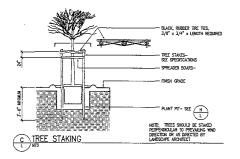
- PIVOT SHRUBS AT INTERSECTION OF ROW LINES - PLANTING— SEE SHT L4.1 TD L4.4

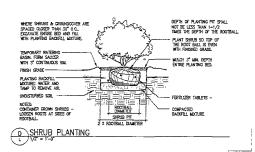
LIMIT OF SHRUBS OR HEADER— WHERE OCCURS

"INFILL SHRUB" AT INTERSECTION OF ROW LINES OR AT ENDS OF SHRUB ROW









McCARTHY CENTER PLANTING REVISIONS



22 00 St. dq 6 way deulevard P O Snx 5904 Saussifite OA 94966 5304 Fax 415 332 0719

Key Plan





Job Number Rvidii

LANDSCAPE DETAILS

L1.5

